

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

:

UNITED STATES OF AMERICA, :

S 12 10 Cr. 905 (LTS)

– *against* –

:

DECLARATION IN SUPPORT OF
PRETRIAL MOTIONS PURSUANT
TO RULE 12(b), FED.R.CRIM.P. _____

:

DANIEL VALDEZ,

:

(Electronically Filed)

:

Defendant.

-----X

Joshua L. Dratel, Esq., pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am an attorney, and I represent defendant Daniel Valdez in the above-captioned case by CJA appointment. I make this Declaration in support of Mr. Valdez's pretrial motions pursuant to Rule 12(b), Fed.R.Crim.P., and Rule 14, Fed.R.Crim.P., for severance of Mr. Valdez's trial from his co-defendants' trial, for leave to join in his co-defendant Manuel Geovanny Rodriguez-Perez's motion to suppress wiretap evidence, and for leave to join in the other motions filed by his co-defendants to the extent they inure to his benefit.

2. The bases for these motions are set forth in detail in the accompanying Memorandum of Law. Also, it is respectfully requested that the facts set forth within the Memorandum of Law be incorporated by reference in this Declaration.

WHEREFORE, it is respectfully requested that the Court grant Mr. Valdez's motions to sever his trial from his co-defendants' trial, and to suppress wiretap evidence, in their entirety.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed January 11, 2012.

/S/ Joshua L. Dratel
JOSHUA L. DRATEL